

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

## ORDER

The court is puzzled about and by the government's response to the defendant's motion to suppress (doc. # 28). The court is puzzled about that response for the simple reason that not only is it grammatically inadequate but it is factually and analytically inadequate. The latter deficiencies leads the court to ask some questions about the response. First, with respect to paragraph 1 of the response, does the Government allege that the defendant was the driver who fled the scene on November 5 and November 6, 2006? Secondly, were the items in the Chevrolet and Trailblazer found in plain view? Thirdly, who is the "him" referred to in paragraph number 3 of the response? Fourthly, was Washington the driver of the vehicle stopped on November 9, 2006?

The court is compelled to observe that in “presenting arguments to busy trial courts, subtlety is no virtue,” *United States v. Reyes Vasquez*, 905 F.2d 1497, 1499 (11th Cir. 1990), and clarity is a virtue which should be sought by all advocates. Not only does the response lack factual clarity, the government’s response contains no legal arguments whatsoever; consequently, the court is left to guess at the government’s legal position. Accordingly, it is

ORDERED that, on or before March 7, 2007, at 12:00 p.m., in conformity with

this order, the Government shall submit a supplemental response to the defendant's motion to suppress.

Done this 5<sup>th</sup> day of March, 2007.

/s/Charles S. Coody  
CHARLES S. COODY  
CHIEF UNITED STATES MAGISTRATE JUDGE